



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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June 16, 2004

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Violet Varona-Lukens, Executive Officer
Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: Ordinance Amending Title 11 – Health and Safety,
Chapter 11.64 – Smoking**

Dear Ms. Varona-Lukens:

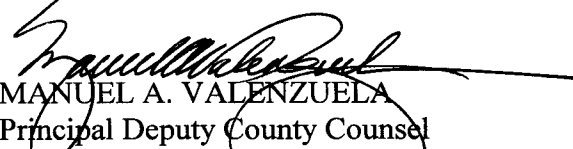
As directed by the Board of Supervisors ("Board") at its meeting of June 15, 2004, enclosed is an ordinance amending Title 11 – Health and Safety, Chapter 11.64 – Smoking, of the Los Angeles County Code to ban smoking on public beaches during the summer months of 2004. The ordinance, which provides that violation constitutes an infraction punishable by a fine of not less than \$10.00 nor more than \$100.00, is an urgency ordinance which will take effect immediately upon adoption by the Board.

The ordinance is transmitted to your office for placement on the agenda of the Board for its meeting of June 22, 2004.

Very truly yours,

OFFICE OF THE COUNTY COUNSEL

By


MANUEL A. VALENZUELA
Principal Deputy County Counsel
Management Services Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
Chief Deputy County Counsel

MAV:mag
Enclosure

HOA.242345.1

ANALYSIS

This ordinance amends Title 11 – Health and Safety, Chapter 11.64 – Smoking, of the Los Angeles County Code to ban smoking on public beaches in the unincorporated areas of the County of Los Angeles during the summer months of 2004.

The ordinance:

- states findings and determinations of the board of supervisors that secondary smoke is a hazard to the health and safety of the general public, and that cigarette and cigar butts constitute a source of environmental pollution and a health hazard to children playing on public beaches;
- makes it unlawful to smoke on public beaches within the unincorporated areas of the county, with limited exception;
- provides that the smoking ban shall become inoperative on September 16, 2004 and is repealed as of January 1, 2005, unless a later enacted ordinance deletes or extends the dates;

The ordinance would declare that it is to take effect immediately as an urgency ordinance.

OFFICE OF THE COUNTY COUNSEL

By: _____
MANUEL A. VALENZUELA
Principal Deputy County Counsel
Management Services Division

MAV:mag

ORDINANCE NO. _____

An ordinance amending Title 11 – Health and Safety, Chapter 11.64 – Smoking, of the Los Angeles County Code by adding subsection G to Section 11.64.030 relating to smoking on public beaches.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Findings and declarations. The board of supervisors finds and declares as follows:

A. The Surgeon General of the United States has concluded that exposure to environmental tobacco smoke (ETS) – commonly known as secondhand smoke or passive smoke – causes lung cancer in adults and respiratory problems in children;

B. The United States Environmental Protection Agency (EPA) conducted its own risk assessment of the health effects of ETS which not only reaffirmed the Surgeon General's conclusions; but identified ETS as a Group A carcinogen, estimating that it causes approximately 3,000 lung cancer deaths each year in nonsmoking adults;

C. The EPA has also identified ETS as a serious and substantial health risk for non-smokers, particularly children – estimating that every year, ETS is responsible for thousands of new asthma cases in children; up to one million asthma exacerbations, and up to 300,000 cases of bronchitis and pneumonia in toddlers – approximately 15,000 of which require hospitalization;

D. The California Environmental Protection Agency (Cal/EPA) has conducted a comprehensive assessment of the range of health effects connected with ETS exposure, and concluded that ETS causes not only lung cancer in adults and respiratory problems in children, but also low birth weight, sudden infant death syndrome, middle ear infections, nasal sinus cancer, and heart disease morbidity and mortality.

E. The county department of health services recognizes that outdoor secondhand smoke can expose nonsmokers to toxic particulate concentrations which contribute to disease or aggravate existing illnesses;

F. The California Coastal Commission has reported that during its 2002 Coastal Cleanup Day volunteers collected 861,000 pounds of trash and recyclables, including more than 305,000 cigarette butts, from California shorelines;

G. Cigarette and cigar butts and used matches dropped into the sand on public beaches not only constitute a substantial source of environmental pollution, but more importantly create a health hazard to children who play in the sand and may ingest such debris;

H. Public beaches are recreational areas which are host to millions of visitors and families each year, with substantially larger concentrations of beach goers during the summer months;

I. Tobacco smoke is a hazard to the health of the general public and county workers and represents an annoyance which should be regulated and banned on public beaches to the end that air quality in such recreational areas be improved for the preservation and improvement of the health of the public;

J. The board of supervisors recognizes the county's commitment toward establishing, maintaining and promoting a healthful and safe recreational environment and reducing known health and safety risks of the public at large;

K. Banning smoking on public beaches during the summer months is necessary to protect the public health, safety and welfare of county residents, workers and visitors.

SECTION 2. Section 11.64.030, is hereby amended to add subsection G to read as follows:

11.64.030 Smoking prohibited in designated areas.

Smoking shall be prohibited in the following places within the unincorporated area of the County of Los Angeles:

. . .

G. Within any area of a public beach, exclusive of parking areas designated for use by the public. This subsection shall become inoperative on September 16, 2004, and as of January 1, 2005, is repealed, unless a later enacted ordinance, which becomes effective on or before September 16, 2005 or January 1, 2005, respectively, deletes or extends the dates on which it becomes inoperative and is repealed, as the case may be.

SECTION 3. This act is an urgency ordinance necessary for the immediate preservation of the public peace, health, or safety within the meaning of Government Code Section 25123(d) and shall go into immediate effect. The facts constituting the necessity are:

In order to immediately protect individuals and families using crowded public beaches in the unincorporated areas of the county during the summer months from unnecessary exposure to second hand smoke; to address the environmental pollution and health risks associated with smoking waste discarded on public beaches, and smoking restrictions applicable to neighboring beaches which could lead to concentrations of smokers on county beaches absent this restriction; and recognizing the summer beach season has already begun which will result in high concentrations of beach goers, it is necessary for this ordinance to take effect immediately as an urgency ordinance.

[1164030MVCOC]